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In Re The Application of:
Arthur Lin et al.

Serial No.: 09/616,842

Filed: July 14, 2000

For: ROUTER WITH CLASS OF SERVICE
MAPPING

Examiner: Nguyen, Toan D.

Art Unit: 2665

Cesari and McKenna, LLP
88 Black Falcon Avenue
Boston, MA 02210
June 30, 2004

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Honorable Commissioner for Patents
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Sir:

PETITION UNDER 37 C.F.R. 1.181 TO CORRECT PRIORITY

Applicants hereby petition to correct their priority claim under 35 U.S.C. §120 in the above-identified application. The Applicants respectfully request that the priority of their application be corrected to reference their parent application, U.S. Serial No. 09/001,478, filed December 31, 1997, now U.S. Patent 6,463,068 issued on October 8, 2002.

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Although the Applicants intended to file a continuation application, their priority claim under 35 U.S.C. §120 was not processed by the PTO. First, the Applicants explicitly specified the application as a continuation application at the time of filing. See Box 17 in the Applicants' Utility Patent Application Transmittal form filed on July 14, 2000, attached hereto as Exhibit A. Further, the Applicants submitted a copy of their Declaration as filed in their parent application, as permitted under 37 C.F.R. §1.63(d) when filing a continuation application. See Box 4 in Exhibit A and the Applicants' Declaration attached hereto as Exhibit B.

It appears that the Applicants' priority claim under 35 U.S.C. §120 was not processed by the PTO as a result of a clerical error. Namely, the Applicants' Utility Patent Application Transmittal and Declaration forms incorrectly identified their parent application as U.S. Serial No. 09/~~900~~,478 instead of correctly referencing the parent application's U.S. Serial No. 09/~~001~~,478. Because of this clerical error, the Applicants' priority claim was omitted from the Filing Receipt dated September 13, 2000. The Applicants' representatives only recently became apprised of this omission, and hereby submit a corrected, marked-up copy of the Filing Receipt as Exhibit C.

The Applicants respectfully note that the same clerical error existed in their parent application 09/001,478, which eventually issued on October 8, 2002 as U.S. Patent No. 6,463,068. Throughout the prosecution of the parent case, the PTO was able to correctly match papers in spite of the Applicants' mistaken serial number. See various papers taken from the PTO file history of the parent application attached hereto as Exhibit D.

However, as the clerical error propagated to the present application, it appears that the PTO did not make the same adjustments as were made in the parent case. Accordingly, the Applicants' priority claim under 35 U.S.C. §120 was not properly recorded.

Applicants clearly intended to claim priority as a continuation application to U.S. Serial No. 09/001,478 as the parent application, as evidenced by their consistent use of the wrong serial number for the parent application, as shown on documents in the attached Exhibits, including:

1. The parent application's Declaration (Exhibit B)
2. Representative papers from the parent application's file history (Exhibit D),
such as:
 - Express-Mail Deposit and Petition for Extension of Time dated February 25, 2000
 - Express-Mail Deposit, Fee Transmittal and Letter to Official Draftsman dated June 27, 2000
 - Letter dated December 17, 2001
 - Change of Correspondence Address dated January 29, 2002, and
3. The Utility Patent Application Transmittal dated July 14, 2000 (Exhibit A).

The resemblance between the wrong serial number (09/900,478) and the correct serial number (09/001,478) is that the last three digits of the wrong serial number are correct, the prefixed sequence numbers are correct, and the first three digits following the sequence numbers omit a one ("1") and substitute a zero ("0").

To correct this error, a Supplemental Application Data Sheet is being submitted herewith (Exhibit E) as set forth in 37 C.F.R. §1.76(c):

(c) *Supplemental application data sheets* Supplemental application data sheets:

- (1) May be subsequently supplied prior to payment of the issue fee either *to correct or update information in a previously submitted application data sheet, or an oath or declaration under § 1.63 or § 1.67*, except that inventorship changes are governed by § 1.48, correspondence changes are governed by § 1.33(a), and citizenship changes are governed by § 1.63 or § 1.67; and
- (2) Should identify the information that is being changed (added, deleted, or modified) and therefore need not contain all the previously submitted information that has not changed.

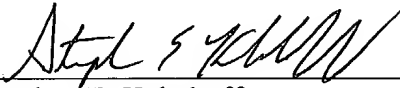
(Emphasis added)

Accordingly, the Applicants respectfully request that the priority of their application be corrected to reference their parent application, U.S. Serial No. 09/001,478, filed December 31, 1997, which is now U.S. Patent 6,463,068 issued on October 8, 2002.

Applicants submit a check in the amount of \$130 to cover the petition fee set forth at 37 C.F.R. §1.17(h).

Please charge any additional fee occasioned by this paper to our Deposit Account
No. 03-1237.

Respectfully submitted,



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